



Aquaculture and Fisheries (Scotland) Act 2013

2013 asp 7

PART 1

AQUACULTURE

CHAPTER 3

COMMERCIALLY DAMAGING SPECIES

Control

16 Control agreements

- (1) This section applies where the Scottish Ministers are satisfied that a commercially damaging species is present on a fish farm or shellfish farm.
- (2) The Scottish Ministers must form a preliminary view as to whether and, if so, what measures should be taken to—
 - (a) remove the species from,
 - (b) reduce the incidence of the species on,
 - (c) prevent the spread of the species beyond, or
 - (d) otherwise control the species on,the fish farm or shellfish farm.
- (3) Where the Scottish Ministers form a preliminary view under subsection (2) that measures should be taken, they must—
 - (a) serve notice on the person who carries on a business of fish farming or shellfish farming at the fish farm or shellfish farm of the preliminary view, and
 - (b) consult the person in order to secure agreement—
 - (i) that measures require to be taken,
 - (ii) as to what measures require to be taken, and within what time limit,
 - (iii) as to who is to take such measures, and

Status: This is the original version (as it was originally enacted).

- (iv) as to such other matters as appear to the Scottish Ministers to be necessary for the purposes of such an agreement.
- (4) Where agreement is reached on the matters mentioned in subsection (3)(b), the Scottish Ministers must prepare an agreement (a “control agreement”) specifying—
- (a) the parties to it,
 - (b) the measures which are to be taken in relation to the commercially damaging species,
 - (c) which of those measures are to be taken—
 - (i) by the person who for the time being carries on a business of fish farming or shellfish farming at the fish farm or shellfish farm, and
 - (ii) by the Scottish Ministers, and
 - (d) the time limits within which any measures specified under paragraph (c) are to be taken.
- (5) A control agreement may specify different measures to be taken in respect of different fish farms or shellfish farms.
- (6) The Scottish Ministers must send a copy of the control agreement to the person who for the time being carries on a business of fish farming or shellfish farming at the fish farm or shellfish farm.
- (7) The person who for the time being carries on a business of fish farming or shellfish farming at the fish farm or shellfish farm must take such measures as the agreement may require of that person in accordance with its provisions.
- (8) The Scottish Ministers must, at least once in every 18 month period, review a control agreement for the purpose of assessing compliance with its provisions.